

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE**

| | | |
|-------------------------------------|---|---------------------------------|
| IN RE: |) | |
| ERICA LATASHA ANDERSON |) | |
| |) | CASE NO: 17-04719-CMW-13 |
| 1510 HUNTINGTON DR. APT. B-1 |) | CHAPTER 13 |
| MURFREESBORO, TN 37130 |) | JUDGE WALKER |
| SSN/ITIN: XXX-XX-2977 |) | |
| Debtor. |) | |

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: AUGUST 26TH, 2020
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: September 2ND 2020 at 8:30 AM
Via AT&T Conference Line using Call-in Number 888-363-4749; Access Code is 6926390#

NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN UNDER 11 U.S.C. §1329

The Debtor has asked the court for the following relief: to modify her Chapter 13 Plan

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at:
<<https://ecf.tnmb.uscourts.gov>><<https://ecf.tnmb.uscourts.gov>>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <<https://ecf.tnmb.uscourts.gov>>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: August 5th, 2020

Signature: /s/ Ryan Lloyd
RYAN LLOYD, #034323
Clark & Washington, PC
Attorneys for Debtor(s)
237 French Landing Drive
Nashville, TN 37228

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| SSN/ITIN: XXX-XX-2977 |) | JUDGE WALKER |
| Debtor. |) | |

MOTION TO MODIFY CHAPTER 13 PLAN UNDER 11 U.S.C. §1329

Comes now the Debtor, by and through counsel, and would show unto this Honorable Court the following:

1. That the Debtor filed a Petition for Relief with this Court on July 12th, 2017.
2. That a Meeting of Creditors was held on August 29th, 2017 and the plan was confirmed on November 8th, 2017.
3. That Debtor is requesting a modification due to her rent increasing by \$186. Debtor needs to modify the Plan payment in order to render it feasible with her new rent expense.
4. That the plan must be modified to remain feasible.
5. That the secured creditors shall be paid as confirmed.
6. That that the unsecured creditors will be affected by this modification and will be paid a 20% dividend rather than a 21% dividend.
7. That Debtor's attorney fees shall be paid as confirmed.
8. That this modification, if approved by the Court, would, including the balance of the trustee fees; consist of approximately \$13,086.45 to be paid over the remaining 27 months.
9. That the Debtor has already begun making payments on the original Chapter 13 Plan totaling \$22,922.77.
10. That the required amount to complete the Chapter 13 Plan if the modification is approved by the Court, at 20% payoff, is approximately \$13,086.45, to be paid over the remaining 27 months, which is \$223.70 biweekly, with a base of \$32,019.62.
11. That the unsecured pool shall not apply.

12. That the Debtor will attend the Trustee's Workshop within forty-five (45) days of it being offered again.

WHEREFORE, DEBTORS PRAY as follows:

That a new Order to Pay Trustee shall be issued to Debtor's employer, Aetna, in the amount of \$223.70 biweekly.

Date: 08/05/2020

Signature: /s/ Ryan Lloyd
RYAN LLOYD, #034323
Clark & Washington, PC
Attorneys for Debtor(s)
237 French Landing Drive
Nashville, TN 37228
615-251-9782; Fax: 615-251-8919

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this the 5th day of August, 2020 true and correct copies of the foregoing have been served in the following manner:

Email by Electronic Case Noticing to:

Beth R. Derrick, Assistant U.S. Trustee
Henry E. Hildebrand, III, Chapter 13 Trustee

By U.S. Postal Service, postage prepaid to:

The Debtor(s) at the above referenced address
All creditors on attached mailing matrix

By Certified Mail to:

Total Mailings by U.S. Postal Service: 49

/s/ Ryan Lloyd
RYAN LLOYD #034323

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| Debtor. |) | |

ORDER GRANTING MOTION TO MODIFY CHAPTER 13 PLAN

Upon consideration of the Motion to Modify filed herein on the 5th day of August, 2020; and the twenty-one (21) days having passed within which to file an objection; Debtor's Chapter 13 Plan shall be modified as follows:

1. That the secured creditors shall be paid as confirmed.
2. That that the unsecured creditors will not be affected by this modification and will be paid a 20% dividend rather than a 21% dividend.
3. That the required amount to complete the Chapter 13 Plan if the modification is approved by the Court, at 20% payoff, is approximately \$13,086.45, to be paid over the remaining 27 months, which is \$223.70 biweekly with a base of \$32,019.62.
4. That the unsecured pool shall not apply.
5. That the Debtor shall attend the Trustee's Workshop within forty-five (45) days of it being offered again.
6. That a new Order to Pay Trustee shall be issued to Debtor's employer, Aetna, in the amount of \$223.70 biweekly.

ORDERED, ADJUDGED AND DECREED that the Motion to Modify is granted as set forth above.

THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED AT THE TOP OF THIS PAGE.

APPROVED FOR ENTRY:

/s/ Ryan Lloyd

RYAN LLOYD, #034323

Clark & Washington, PC

Attorneys for Debtor(s)

237 French Landing Drive

Nashville, TN 37228

615-251-9782; Fax: 615-251-8919

Email: cwnashville@cw13.com

PROPOSED